

# RESOURCE EXTRACTION

## COAL MINE ENFORCEMENT

### Indicator 6. Coal Mine Compliance and Enforcement Actions

**Background** The environmental impacts of coal mining have been regulated to some degree in Kentucky since 1966. But it was not until the passage of the 1977 federal Surface Mining Control and Reclamation Act (SMCRA) that the state began to more fully address the impacts of mining on the environment.

Kentucky obtained federal authority to carry out the provisions of the SMCRA in 1982. Since then, the Kentucky Department of Surface Mining Reclamation and Enforcement (DSMRE) has been the primary regulatory authority, while the U.S. Office of Surface Mining has maintained an oversight role to ensure compliance with the federal law. In 2000, DSMRE was responsible for overseeing compliance on 682 active and 1,565 inactive mine sites (inspectable units).<sup>1</sup>

**Goal** To protect people and property, land, water and other natural resources, and aesthetic values, during mining activities and ensure the restoration and reclamation of surface areas affected by mining activities.

**Progress** The state is required by law to conduct eight partial and four complete inspections on each active coal mine permit per year. Inspections have been decreasing since 1986. DSMRE indicates that this decrease is primarily due to the decline in the number of mines and a shift from active to inactive mine sites due to the completion of mining and reclamation. During 1999, 103 inspectors conducted 26,000 complete and partial inspections of active mining operations.

Trends reveal that compliance with coal mining rules in Kentucky continues to improve. During 1999, the federal Office of Surface Mining reported that 81 percent of coal operations were in compliance with mining laws (based on random surveys). The number of citations issued by DSMRE dropped by more than half since EQC last reported on this indicator, from 1,801 in 1996 to 942 in 1999. During 1999, 45 percent of the active coal mine permits had one or more citations for violations of coal mining performance standards. This continued drop in citations is attributed to a decline in the number of permits issued, improved compliance of operators and a stronger state emphasis on preventative enforcement.

During 1999, off-site disturbances were the most frequently cited performance standard violation at coal mines, followed by backfilling and grading violations.

Penalties assessed against coal operators show declining trends as well. According to DSMRE, this decrease is attributed to violations that can be quickly abated because they are less serious in nature. This also reflects a trend in coal mining toward fewer and larger companies that are more able to meet regulatory requirements and remedy violations in a timely manner, according to state officials. In fiscal year 1999, \$3.34 million in penalties were assessed and \$959,000 in coal mine penalties were collected. The penalties collected have remained fairly constant during the past several years, averaging 27 percent of fines assessed each year. According to DSMRE, a large amount of fines cannot be collected due to bankruptcies or a lack of company assets.

#### At a Glance

Number of coal mine inspections

1990 ..... 43,000

1995 ..... 34,000

1999 ..... 26,000

Number of violations

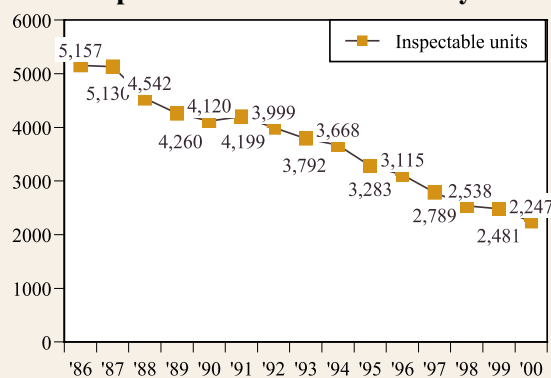
1993 ..... 2,097

1996 ..... 1,619

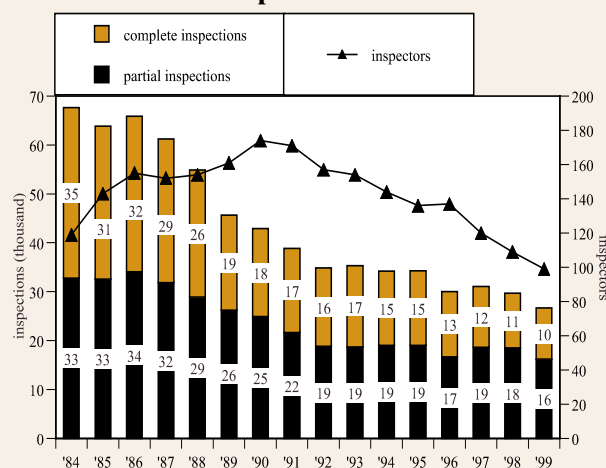
1999 ..... 757

Compliance of coal mines (1999) ..... 81%

**Measure 1. Number of Coal Mine Inspectable Units in Kentucky**



**Measure 2. Inspections of Coal Mines**



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## Footnotes

1. Eighteenth Annual Evaluation Summary Report for the State of Kentucky, Table 6b, U.S. Office of Surface Mining.

## Measures - notes and sources

**Measure 1.** OSM Annual Evaluation Report, 2000.

**Measure 2.** Includes 8 partial and 4 complete inspections per active coal mine permit per year. Includes inspections of inactive and abandoned mines. Source: Ky. Dept. of Surface Mining Reclamation and Enforcement.

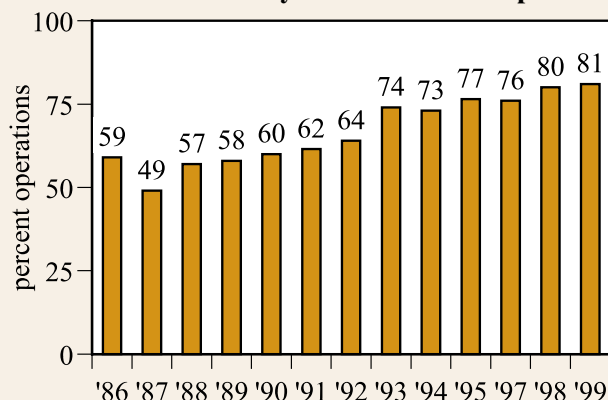
**Measure 3.** Based on random oversight inspections conducted by the federal Office of Surface Mining. 1996 data not included due to changes in inspection procedures. Source: U.S. OSM Annual Evaluation Reports.

**Measure 4.** Performance standards - specific standards that must be met according to state and federal rules. Noncompliance - documents violations, remedial measures and schedules for completion of actions. Cessation order - requires operator to cease operations for failure to abate violation and until violation is corrected. Imminent harm cessation order - requires operator to cease operations due to imminent harm or potential danger to the public and environment. Source: Ky. Department of Surface Mining Reclamation and Enforcement.

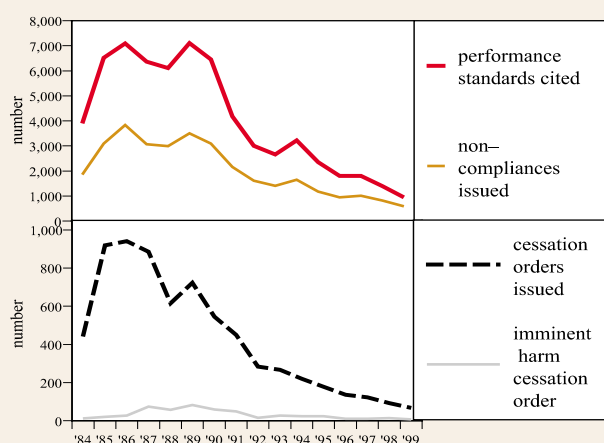
**Measure 5.** \*1992 data not available due to computer problems. \*\*Collections may include assessments from any given year. Source: Ky. Natural Resources and Environmental Protection Cabinet, Office of Administrative Hearings.

**Measure 6.** Based on violations of performance standards. Source: Ky. Department of Surface Mining Reclamation and Enforcement.

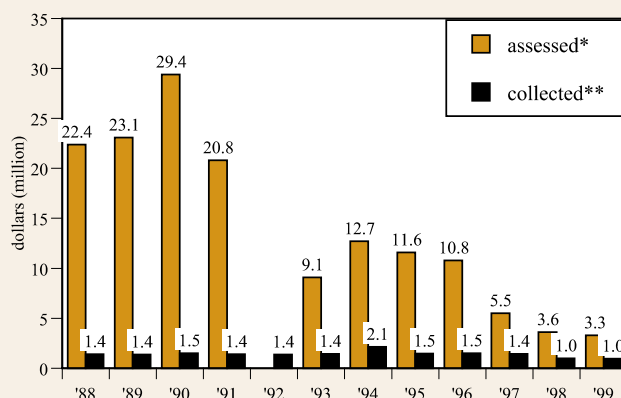
**Measure 3. Kentucky Coal Mine Compliance**



**Measure 4. Coal Mine Violations in Kentucky**



**Measure 5. Coal Mines Penalties**



**Measure 6. Most Frequently Cited Coal Mine Violations in Kentucky**

